



UNITED STATES PATENT AND TRADEMARK OFFICE

59
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/354,344	07/16/1999	MICHAEL D. ELLIS	UV-99	5021

7590

04/07/2005

G VICTOR TREYZ
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 100201104

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/354,344

Applicant(s)

ELLIS ET AL.

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39, 46-48, 50-98, 105-107, 109-152, 159-161, 163-167 and 174-176 is/are pending in the application.
- 4a) Of the above claim(s) 1-39, 50-98, 109-152 and 163-167 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-48, 105-107, 159-161 and 174-176 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/2/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 11/09/2004 have been fully considered but they are not persuasive.

Applicant argues Croy fails to teach or suggest the required "remote access interactive television program guide is configured to provide the user with and opportunity to remotely select a program for recording by the local interactive television program guide over a remote access link" (~~Page 67~~, lines 5-10).

In response, this argument is respectfully traversed. Croy discloses the base station can be (partly or totally) integrated into conventional analog/digital set top boxes (STBs), personal computers (PCs), television (TV) sets, videocassette recorders (VCRs), or network computers (NCs) (col. 8, lines 53-60). Thus, the combination of base station (100), VCR 142, television 140 (figure 1) is met by the claimed local interactive television program guide equipment. Furthermore, Croy discloses only a certain amount of interactive program guide data from the base station (100) is transmitted to the personal navigator (PN 200), which reads on the claimed "remote program guide access device," since the memory in the PN 200 is limited (col. 8, lines 14-24). Though the primary user interface for the PN 200 is the hand-held device 240, an on screen

Art Unit: 2611

display on TV set 140 is also possible for example, if several viewer want to share the content (decision what to view, where to go, what to order) displayed (col. 9, lines 3-7). Thus, a local interactive television program guide (interactive program guide that has certain amount transmitted to the PN 200) is implemented at the interactive television guide equipment (base station, VCR and TV). Croy further discloses the operation for selecting a particular programming for recording using a VCR or other recording means using the interactive program guide information displayed on the PN 200 (col. 17, lines 9-24). The functionality described, such as select for recording, controlling, etc., may be equivalent implemented on either based station 100 and/or PN 200 or a PN 200 combining the functionality of both base station 100 and PN (200). Therefore, the remote access interactive television program guide (a certain amount of local interactive program guide) is configured to provide the user with an opportunity to remotely select a program for recording by the local interactive television guide over a remote access link (IR link, RF link or directly coupled link –col. 4, line 10-37).

For the reasons discussed above, rejections on claims 46-48, 105-107, 159-161, 174-176 are maintained as repeatedly discussed below.

Claims 40-45, 49, 99-104, 108, 153-158, 162, 168-173, 177 have been cancelled.

Claims 1-39, 50-98, 109-152, 163-167.

Claim Rejections - 35 USC § 102

Art Unit: 2611

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 46-47, 105-106, 159-160 are rejected under 35 U.S.C. 102(e) as being anticipated by Croy et al. (US 6,509,908).

Regarding claim 46, Croy teaches a system for selecting programs over a remote access link (RF, IR, UBS, Ethernet, etc. – col. 4, lines 14-37) for recording comprising: interactive television program guide equipment (base station 100, television 140, VCR 142, etc. figure 1) on which a local interactive television program guide is implemented (program guide implemented at the base station 100 and TV 140 and a certain amount of the interactive program guide is transmitted to the PN– col. 9, line 3+), wherein the interactive television program guide equipment includes user television equipment (e.g., VCR, TV) located within a user's home (col. 9, line 3+); a remote program guide access device (200-figure 2) located outside of the user's home (the remote device 200 or personal navigation (PN) can be terminal for information services, portable intelligent phone, video phone, etc. col. 9, line 10+. The PN communicates with the base unit via RF, IR, UBS, Ethernet, etc. col. 4, line 15+.

Art Unit: 2611

Inherently, the PN can be located outside of the user's home) on which a remote access interactive program guide is implemented (program guide implemented at PN – figures 12+), wherein the remote access interactive television program guide is configured to provide the user with an opportunity to remotely select a program for recording by the local interactive television program guide over a remote access link (the user selects a particular programming for recording using VCR or other recording means from the listing of programs presented to user on the screen using the PN over a IR/RF/directly coupled link- figures 23-24 and col. 17, line 9+); and the local interactive television program guide is configured to record the television program selected by the user with the interactive television program guide equipment (VCR or recording means is used to record the selected program- col. 17, line 9+).

Regarding claim 47, Croy teaches the local interactive television program guide is configured to record the television program selected by the user on the user television equipment (program guide which has portion transmitted to the PN is configured to record the selected program on the VCR or recording means – col. 17, line 9+).

Regarding claim 105, Croy teaches a method for remotely recording a television program over a remote access link (link between base station 100 and remote device 200 – figures 1-2), the method comprising:

Art Unit: 2611

providing a user with an opportunity to remotely select a television program for recording over a remote access link (link between base station and remote device 200 or PN using IR, RF, UBS, Ethernet, etc. – col. 4, line 10+) by a remote access interactive television program guide implemented on a remote program guide access device (certain amount of local interactive program guide that is transmitted to and implemented on the PN-figure 12+, col. 8, line 14+) located outside of a user's home (remote device 200 or PN can be terminal for information services, portable intelligent phone, video phone, etc. – col. 9, line 7+. The PN communicates with base station using RF, UBS, Ethernet, etc. – col. 4, line 10+. Inherently, the PN can be located outside the user's home) from a local interactive television program guide implemented on interactive television program guide equipment (TV, VCR, base station) having user television equipment (TV, VCR) located within the user's home (figure 1); and recording the television program selected by the user with the remote access interactive television program guide (recording the selected program using VCR or recording means with the certain amount of program guide on PN-col. 17, line 9+).

Regarding claim 106, Croy teaches recording the program selected by the user with the local interactive television program guide on the interactive television program guide equipment comprises recording the program on the user television equipment (program guide which has portion transmitted to the PN is configured to record the selected program on the VCR or recording means— figure 1 and col. 17, line 9+).

Art Unit: 2611

Regarding claims 159-160, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 105-106, and are analyzed as discussed with respect to the rejection of claims 105-106.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 48, 107, 161, 174-176 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy et al. (US 6,509,908).

Regarding claim 48, Croy teaches the system as discussed in the rejection of claim 46. However, Croy does not specifically disclose record the selected television program by the user at a television distribution facility. It is obvious to one of ordinary skill in the art to record the selected program at a television distribution facility in order that multiple users can share the recorded program.

Art Unit: 2611

Regarding claims 107, 161, the limitations as claimed correspond to the limitations as claimed in claim 48, and are analyzed as discussed with respect to the rejection of claim 48.

Regarding claims 174-176, the limitations as claimed are directed toward embodying the method of claims 105-107 respectively in "machine readable medium." It would have been obvious to embody the procedures of Croy as discussed with respect to claims 105-107 in a "machine readable medium" in order that the instructions could be automatically performed by a processor.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2611

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH
March 20, 2003



HAI TRAN
PRIMARY EXAMINER